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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

2:21-cr-00224-CDS-VCF

10 Plaintiff,

11 vs.

12 JAIRO GARCIA,

13 Defendant.  
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**STIPULATION TO CONTINUE  
GOVERNMENT'S PRETRIAL  
MOTION RESPONSE DEADLINE  
TO MAY 6, 2022**

15 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
16 United States Attorney, and Kenneth Nicholas Portz, Special Assistant United States Attorney,  
17 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
18 Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Jairo Garcia, that the  
19 government's response deadline to Defendant's Motion to Suppress (ECF No. 27) currently set  
20 for April 28, 2022, be vacated and extended to May 6, 2022 (the original deadline for the  
21 government's Response).

22 This Stipulation is entered into for the following reasons:  
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24 1. The parties previously entered a Stipulation to Continue Pretrial Motion Deadlines

1 (First Request), because defense counsel caught the flu prior to the original motion deadline and  
2 needed additional time to complete the motion to suppress. (ECF No. 24). Within that  
3 stipulation, the parties agreed to a deadline of May 6, 2022, for all responsive pleadings filed in  
4 this case. (ECF No. 24).

5       2. The May 6, 2022, responsive pleading deadline was agreed to, in part, because  
6 undersigned counsel for the government would be out of the jurisdiction from April 10 through  
7 17, 2022, and required an appropriate amount of time to prepare a response. The parties  
8 discussed this fact prior to filing the original stipulation.

9       3. The parties agree to the extension of the response deadline for the government.  
10      The defendant is incarcerated and does not object to the extension.

11           4. The additional time requested herein is not sought for purposes of delay, nor will  
12 it cause delay to the trial which is scheduled for October 18, 2022.

13       5.     Additionally, denial of this request for continuance could result in a miscarriage of  
14 justice. The additional time requested by this Stipulation is excludable in computing the time  
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
17 Section 3161(h)(7)(B)(i), (iv).

18 || This is the first request to extend a responsive pleading deadline.

19 DATED this day of April, 2022.

20 || Respectfully submitted,

21                   CHRISTOPHER CHIOU  
Acting United States Attorney

RENE L. VALLADARES  
Federal Public Defender

23 By /s/ K. Nicholas Portz  
K. NICHOLAS PORTZ  
Special Assistant United States Attorney

By /s/ Benjamin F.J. Nemecek  
BENJAMIN F.J. NEMEC  
Assistant Federal Public Defender

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

JAIRO GARCIA,  
Defendant.

Case No. 2:21-CR-00224-CDS-VCF

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties originally agreed to a responsive pleading deadline of May 6, 2022.
2. The defendant is incarcerated and does not object to the extension.
3. The parties agree to the extension.
6. The additional time requested herein is not sought for purposes of delay, as trial in this matter is scheduled for October 18, 2022.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said extension outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said extension would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the

1 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
2 account the exercise of due diligence.

3 The extention sought herein is excludable under the Speedy Trial Act, Title 18, United  
4 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States  
Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

5 **ORDER**

6 IT IS THEREFORE ORDERED that the government's response deadline to Defendant's  
7 Motion to Suppress (ECF No. 27) currently set for April 28, 2022, be vacated and extended to  
8 May 6, 2022

9 DATED this 19th day of April, 2022.  
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12 UNITED STATES MAGISTRATE JUDGE  
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